

At the November 16 conference, after conferring with counsel for the parties, the undersigned took the unusual step of prevailing upon the Mediator Office to schedule a mediation on an expedited basis — December 11 — less than 30 days after the conference. Apparently Humane & Kim have had a change of heart, as well as change of counsel. With apologies to the Mediator and the Mediator Office, the Order of Referral (Doc 40) is VACATED. SO ORDERED.

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December 4, 2018

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VIA ECF

Hon. P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States District Court
500 Pearl Street
New York, NY 10007-1312

Re: Humane Consumer LLC v. COB Ecommerce Empire LLC, et al. 12-470
Civil Action No. 18-cv-05622 (PKC)

Dear Judge Castel:

This firm was recently retained to represent Plaintiff/Counterclaim Defendant Humane Consumer LLC and third party defendant Michael Kim in this action. Today, we submitted via ECF a stipulation and proposed order of substitution of counsel in order to formally substitute this firm for that of Paul Siegert as counsel for these parties.

We have reviewed Your Honor's Scheduling Order dated November 16, 2018 and respectfully request an order adjourning without date or for at least thirty (30) days the mediation presently scheduled for December 11, 2018, and which pursuant to Your Honor's Mediation Referral Order, also dated November 16, 2018, was required to be commenced on December 11, 2018 or within seven days of said date, at the mediator's direction. Counsel for defendants COB Economic Empire LLC, Crawford and O'Brien LLC and Charles Crawford have been requested to consent to such adjournment and, as of the time this letter was sent, have not responded.

The reason for this request is two-fold. First, we need an adjournment to get fully up to speed on all the facts of this action and to properly prepare for mediation. Second, there is one defendant, Michael O'Brien, who has not yet appeared and/or answered in the action and therefore, we do not know with what facts he may take issue or whether he will be present for the arbitration. This is the first request for an adjournment of this date and the next case management conference with the Court is scheduled for May 31, 2019 at 10:30 a.m.